

## United States District Court

SOUTHERN

DISTRICT OF NEW YORK

martha Klopchin on her own behalf and on behalf  
of the Estate of Lester Devens, Jr.

Index No.

08 CV 1314

Plaintiff(s) Petitioner(s)

Calendar No.  
AFFIDAVIT  
OF  
SERVICE

Town of Lumberland, John Cuomo and  
Victor Czubak

Defendant(s) Respondent(s)

being sworn

ORANGE COUNTY, NEW YORK STATE:

says: Deponent is not a party herein, is over 18 years of age and resides at

On 2-14-2008 at 120 P.M., at 1096

deponent served the within ☐ summons ☐ with notice

☒ summons and complaint

☐ notice of petition and petition

☐ subpoena ☐ subpoena duces tecum

MICHAEL CRUDELE

66 Hickory Drive, Campbell Hall, NY

Proctor Rd Glen Spey NY

☐ summons, Spanish summons and complaint, the language required by NYCP

2900.2(c), (f) & (h) was set forth on the face of the summons(es)

☐ citation

☒ United States District Court

on Town of Lumberland

☐ defendant (hereinafter

☐ respondent called therein named

☐ witness the recipient)

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☒

a Municipal corporation, by delivering thereto a true copy of each to Virginia Horn  
Town Clerk thereof personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to

SUITABLE  
AGE PERSON3. ☐

by delivering thereto a true copy of each to age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO  
DOOR, ETC.4. ☐

by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereto, having called the

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐

Deponent talked to Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's known residence, at and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney concerned an action against the recipient.

DESCRIPTION

☒☐ Male☒ Female☒ White Skin☐ Black Skin☐ Yellow Skin☐ Brown Skin☐ Red Skin☐ Black Hair☐ Brown Hair☒ Blonde Hair☐ Gray Hair☐ Red Hair☐ White Hair☐ Balding☐ Mustache☐ Beard☐ Glasses☐ 14-20 Yrs.☐ 21-35 Yrs.☐ 36-50 Yrs.☒ 51-65 Yrs.☐ Over 65 Yrs.☐ Under 5'☒ 5'0"-5'2"☐ 5'4"-5'8"☐ 5'9"-6'0"☐ Over 6'☐ Under 100 Lbs☒ 100-130 Lbs☐ 131-160 Lbs☐ 161-200 Lbs☐ Over 200 Lbs

Other identifying features:

WITNESS  
FEES☐

5 the authorizing traveling expenses and one days' witness fee:

☐ was paid (tendered) to the recipient

☐ was mailed to the witness with subpoena copy.

MILITARY  
SERVICE☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of belief are the conversations and observations above narrated.

Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in the State or in the Federal statutes.

Michael Crudele